



U.S. Department of Justice
Consumer Protection Branch

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August 7, 2024

VIA ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. B4B Earth Tea LLC, et al. No. 22-CV-1159*

Dear Judge Levy:

At the most recent status conference regarding this matter, on June 12, 2024, the United States advised the Court that Defendant Sinclair ("Defendant") refused to answer certain questions at his deposition. In response, the Court ordered that: "On or before 6/26/24, Mr. Sinclair shall serve an affidavit, sworn to before a notary, setting forth for the period from 1/1/19 to the present each job he held, the dates of employment (self or for others) and the income he earned at each job each year."

Defendant has not provided that affidavit to the United States. We write to ask that the Court again Order him to provide that affidavit. Below is a summary of our attempts to obtain the affidavit from the Defendant.

Two days before the Court's original deadline, Defendant emailed claiming that he needed an additional 12 days (until July 6th) to submit the affidavit, claiming that his "computer data was wiped out so this requires more time to collect information." Ex. 1 at 2. That same day, Government counsel told Defendant that, given that the Court ordered him to provide the affidavit by June 26, if he needed additional time, he could submit a request to the Court for a 12-day extension, and the Government would not oppose his request. Ex. 1 at 1-2. Defendant never filed a request for additional time with the Court.

On July 11, 2024, the Government emailed Defendant and noted that Defendant had violated the Court's order by failing to produce the affidavit by the Court-ordered deadline or seek an extension, and that even if Defendant had sought and the Court had granted the extension, the additional time Defendant had claimed he needed had already passed without him providing the affidavit. Ex. 1 at 1. The Government requested that Defendant provide the affidavit immediately. *Id.*

Nearly two weeks later, on July 24, 2024, Defendant emailed, claiming that he was "just

actually seeing [the United States' email] responses strangely." Ex. 1 at 1. Irrespective of when he received the United States' emails, Defendant provided no explanation for why he had not filed a motion for an extension with the Court.

In this email, Defendant also indicated he was "[s]till awaiting information because again everything was wiped out," and added: "I will send info to the Court about this." Ex. 1 at 1.

More than two weeks have passed since Defendant sent this email. He has not provided the United States with the required affidavit and, to our knowledge, he has not sent any information to the Court about this issue.

Given that nearly ten weeks have passed since Defendant first improperly denied the United States this information at Defendant's deposition, and Defendant has provided no indication of when any of this information will be provided, we send this update to the Court in an effort to obtain a date certain by which the United States will receive the improperly withheld information.

Respectfully submitted,

AMANDA LISKAMM
Director, Consumer Protection Branch
Civil Division
United States Department of Justice

By: /s/ James T. Nelson

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Counsel for the United States

Attachment:

Exhibit 1 (email chain between the United States and Defendant)

cc: Defendant Andrew Martin Sinclair